

Independent claims 1 and 19 and dependent claim 20 have been rejected under Sec. 103(a) as unpatentable over Chen '620 which discloses a breast augmentation apparatus having a hollow body 1 from which air is evacuated to enlarge a breast. No portion of Chen's device is suitable for grasping by the mouth of an infant. The Chen apparatus includes a nipple protector 4 disposed inside the hollow body. The Examiner asserts that the aperture (in the air evacuation duct 11) in the body 1 is suitable and capable of functioning as a milk delivery aperture; however, this assertion misinterprets Chen's disclosure since Chen's nipple protector 4 which is inside the breast cup completely receives and covers the nipple in an air tight manner. In other words, the end of Chen's nipple protector, best seen in Fig. 2, is solid to provide a seat for the spring and has no fluid passage equivalent to the fluid channel of applicant's nipple extender which is inside the nipple receiving portion of the breast cup for allowing milk to pass the nipple protector. Therefore the aperture (at 11) in Chen's body 1 is never exposed to milk and cannot function as a milk delivery aperture. Furthermore, Chen does not disclose anything equivalent to a nipple extender having an axial length less than an axial length of the nipple receiving portion of the breast cup, nor is the nipple extender sized and configured to occupy space in the nipple receiving portion not occupied by a mother's nipple. This purges excess air from the nipple receiving portion of the breast cup and minimizes the amount of air which can be drawn in by a suckling infant.

Claim 1, as amended herein now more clearly distinguishes over Chen in calling

for “said nipple receiving portion (of the breast cup) for grasping by the mouth of an infant” and for “a nipple extender receiveable in said nipple receiving portion, said ~~[insert]~~ nipple extender having an axial length less than an axial length of said nipple receiving portion, said extender being sized and configured to occupy space in said nipple receiving portion not occupied by a mother’s nipple, said extender ~~[providing]~~ having a flow channel for conducting milk in said nipple receiving portion from a mother’s nipple to said milk delivery aperture”.

Similarly, independent claim 19 distinguishes over Chen in calling for a “nipple receiving portion for grasping by the mouth of an infant” and for “a nipple extender slidably ~~[receiveable]~~ received in and engaging said nipple receiving portion, said extender having an axial length less than an axial length of said nipple receiving portion, said extender providing a flow channel for conducting milk in said nipple receiving portion from a mother’s nipple to said normally closed delivery aperture”.

Independent claim 10 and dependent claim 22 have been rejected under Sec.103(a) as unpatentable over Larsson et al in view of Chen. Larsson et al discloses a breast pump with breast cups and funnel parts of various sizes to accommodate various sized breasts and nipples. Here again, no part of the Larsson device is suitable for grasping by the mouth of an infant. The Examiner has asserted that Larsson teaches that extenders may be used in conjunction with various cylindrical parts 5, and therefore those extenders would be of various lengths as well. Larsson’s funnel parts of various sizes are designed merely to accommodate nipples of various sizes and

have nothing to do with extending the length of natural nipples so that they may be grasped by a baby's mouth.

Independent claim 10 has been amended to call for a nipple receiving portion "for grasping by the mouth of an infant". Larsson et al's funnel sections 5 are sized to receive, i.e., accommodate but not extend, nipples of different sizes and these sections do not comprise cups having a nipple receiving portion nor do they receive generally cylindrical nipple extenders having an axial length less than the axial length of the nipple receiving portions nor do the extenders have flow channels for conducting milk in said nipple receiving portions nor are the nipple receiving portions intended or suitable for grasping by the mouth of a baby. Chen's nipple protectors have no flow passages as mentioned above therefore any combination of Larsson and Chen still falls far short of teaching or suggesting the claimed combination.

Independent claim 21 has been amended consistent with the amendments to the other independent claims discussed above and it is urged that the claim is patentably distinct from Chen and Larsson for the same reasons as stated above. Each independent claim calls for a nipple extender in the nipple receiving portion of the breast cup, the insert having an axial length less than an axial length of the nipple receiving portion, and the extender having a flow channel.

The allowability of claims 3 - 5 and 12 - 14 is noted; however, due to the current amendment of each of the independent claims 1, 10, 19 and 21 as discussed above it is submitted that each claim of the application is now presented in allowable form.

Reinstatement of claims 6, 15 and 23 withdrawn by the Examiner is requested since independent claims 1, 10 and 21 from which they directly or indirectly depend are all believed generic and allowable over the art of record for the reasons above stated.

Reconsideration is respectfully requested and a telephone call to the undersigned is requested if the Examiner believes that prosecution will be facilitated thereby.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W. Norman Roth', is written over a horizontal line.

W. Norman Roth, Reg. No. 26,225
ROTH & GOLDMAN, P.A.
523 W. 6th Street, Suite 707
Los Angeles, CA 90014

WNR/ims
(213) 688-1143